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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,618	02/06/2004	Henry L. Ashwood JR.	3878 002	5075

7590 11/01/2005  
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EXAMINER

JACKSON, ANDRE L

ART UNIT PAPER NUMBER

3677

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



## UNITED STATES DEPARTMENT OF COMMERCE

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APPLICATION NO./ CONTROL NO. 10/772,618	FILING DATE 2/6/2004	FIRST NAMED INVENTOR Henry Ashwood	ATTORNEY DOCKET NO. 3878 002
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EXAMINER

André L. Jackson

ART UNIT

PAPER

3677

10/28/2005

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

### Notice of Non-Responsive Amendment

The reply filed on August 11, 2005 is not fully responsive to the prior Office Action (Election/Restriction) sent February 23, 2005 because applicant failed to properly elect a species in the response dated March 11, 2005. The prior Office Action (Election/Restriction) requires applicant must include an identification of the species that is elected consonant with the requirement, and a listing of all claims readable thereon, including any claims subsequently added. No listing of all claims readable on the selected species I is found. Examiner's Note: **Claim 1 appears to include limitations to a non-elected species II (model #2), which is not in correspondence with the original election/restriction requirement.**

Since the period for reply set forth in the prior Office Action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. In no case may an applicant reply outside the SIX (6) MONTH statutory period or obtain an extension for more than FIVE (5) MONTHS beyond the date for reply set forth in an Office action. A fully responsive reply must be timely filed to avoid abandonment of this application.

  
ROBERT J. SANDY  
PRIMARY EXAMINER

André L. Jackson  
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AU 3677